

UNITED NATIONS
General Assembly
FORTY-SEVENTH SESSION
Official Records

FIFTH COMMITTEE
45th meeting
held on
Tuesday, 15 December 1992
at 6.30 p.m.
New York

SUMMARY RECORD OF THE 45th MEETING

Chairman: Mr. DINU (Romania)

later: Mr. ZAHID (Morocco)
(Vice-Chairman)

Chairman of the Advisory Committee on Administrative and
Budgetary Questions: Mr. MSELLE

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Distr. GENERAL
A/C.5/47/SR.45
22 January 1993

ORIGINAL: ENGLISH

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AGENDA ITEM 104: PROGRAMME BUDGET FOR THE BIENNIUM 1992-1993 (continued)

Proposed programme budget outline for the biennium 1994-1995 (A/47/7/Add.9, A/47/16 (Part II) and A/47/358)

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Extrabudgetary resources of the United Nations (A/45/797; A/46/545; A/47/7/Add.9; A/C.5/46/56)

1. Mr. MERIFIELD (Canada) said that the proposals in documents A/47/358 and A/C.5/47/3 showed that the Secretariat was committed to adapting the Organization's budget procedures to a new and more dynamic international environment. Canada had long believed that the current procedures for the allotment of financial resources were too cumbersome. The budget process could be further improved by increasing financial discipline. His Government hoped that its suggestions would be reflected in the draft resolutions to be adopted at the current session under agenda items 103 and 104.
2. With regard to document A/47/358, his delegation found it difficult to endorse the proposed programme budget outline without knowing the results of the first phase of the restructuring of the Secretariat and its impact on the budget. On the other hand, paragraphs 10, 11 and 12 of the document outlined the priorities and resource requirements for the next biennium in a clear, concise and accurate manner. His delegation failed to understand how such a statement of objectives could conflict with the priorities set forth in the introduction to the medium-term plan, as some delegations had suggested. Canada recommended that those paragraphs should be adopted as drafted, and welcomed the proposal in paragraph 12 to redeploy resources to the four significant areas, namely, overall policy-making, political affairs, international cooperation for development and human rights and humanitarian affairs.
3. His delegation urged the abandonment of the complex and artificial methodology previously used to measure real growth, while noting that some of the assumptions on which the growth estimate of 0.2 per cent had been based had changed considerably since August 1992, when the document had been issued.

(Mr. Merifield, Canada)

4. The proposed programme budget outline did not deal with resource requirements for major new activities mandated by the General Assembly, such as the new Commission on Sustainable Development. His delegation was confident that the overall level of resources requested was sufficient to absorb such requirements.

5. Canada, too, was concerned at the fact that the core functions of some Secretariat units, particularly those dealing with human rights and humanitarian affairs, which should properly be charged to the United Nations regular budget, were currently funded by voluntary contributions. Those units deserved the same treatment as all other United Nations departments. The ability of Member States to increase voluntary contributions was limited, and any pledge to one activity merely reduced resources for others. Voluntary funds should not be used primarily to defray the costs of permanent Secretariat staff.

6. In paragraph 7 of its report (A/47/7/Add.9), the Advisory Committee was recommending that the Secretary-General's proposal to budget \$28 million for preventive diplomacy and peacemaking should not be included in the outline for 1994-1995, pending further consideration by the Advisory Committee in 1993 of the procedures for making such estimates. His delegation would be grateful if the Chairman of the Advisory Committee could indicate whether, following those discussions, the said appropriation was likely to be included in the regular budget for 1994-1995.

7. The assumptions underlying the recosting of the estimates, which had appeared only in August 1992, were also of great concern to his delegation. It was difficult to accept that an estimated resource requirement of \$2.7 billion for the biennium 1994-1995, which would again be subject to an automatic adjustment in 1993, represented a low-growth budget.

8. The United Nations, like the Governments of Member States, should no longer assume that it could pass on to Member States automatic adjustments for inflation and currency fluctuations. Many countries which were facing the need to reduce the overall level of Government expenditure in current currency values did not have the luxury of making estimates in real terms. Canada shared the Advisory Committee's doubts, expressed in paragraph 9 of document A/47/7/Add.9, as to the soundness of the estimate for capital expenditure. That was certainly an area in which there was no justification for applying an automatic adjustment formula, since prices were falling for many capital items and construction costs were stable in many parts of the world.

9. One of the most welcome features of the new budget format (A/C.5/47/3) was the introduction of a standard presentation for all budget sections. His delegation also welcomed the proposal to equate a section of the budget with a major programme of the medium-term plan, as well as the greatly improved presentation of extrabudgetary expenditure.

(Mr. Merifield, Canada)

10. Under current procedures, expenditure information was usually provided only after a detailed debate on the budget had already taken place. That often led to substantial changes in the appropriations as compared with the budget estimates discussed in the General Assembly. In the future, the Assembly should be provided with both expenditure data and budget estimates. Member States which hesitated to give the Secretariat greater flexibility in the redeployment of resources under the new methodology might be less apprehensive if the real expenditure information was up to date.

11. The report on extrabudgetary resources (A/46/545) showed that voluntary contributions in the economic, social and humanitarian fields played a more important role in supporting the Organization's work than regular budget assessments. His delegation welcomed the proposal for improved transparency in the presentation of extrabudgetary resources. The regular publication of information concerning the nature and use of such resources, both in the programme budget and in reports such as the one under consideration, would give Member States a better understanding of the Organization's overall work, and would allay fears that extrabudgetary funds were undermining the Organization's priorities.

12. The restrictive provisions of the Financial Regulations of the United Nations must not be allowed to interfere with special-purpose contributions, which played an important role in financing the programmes adopted by the General Assembly and its subsidiary bodies.

AGENDA ITEM 124: ADMINISTRATIVE AND BUDGETARY ASPECTS OF THE FINANCING OF THE UNITED NATIONS PEACE-KEEPING OPERATIONS (continued) (A/47/484, A/47/655 and Corr.1, A/47/757 and A/47/776)

13. Mr. IDQ (Qatar) underscored the vital role of United Nations peace-keeping operations. His delegation believed that the financing of such operations was a collective responsibility of the international community, and that an equitable and just methodology should be devised for apportioning their increasing costs among all Member States. As indicated in paragraphs 2 and 3 of document A/47/484, the General Assembly had divided Member States into four groups for the purposes of the apportionment of the cost of peace-keeping operations, namely, (a) States which were permanent members of the Security Council, which paid 100 per cent of the assessment rates established for the regular budget, plus the amounts not otherwise apportioned; (b) specifically named economically developed Member States which were not permanent members of the Security Council, which paid 100 per cent; (c) economically less developed Member States, which paid 20 per cent and (d) economically less-developed Member States which were specifically named, which paid 10 per cent. Since those categories had been established, the percentages paid by the countries in each group had increased or decreased, but the classification criteria had remained stable.

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(Mr. Ido, Qatar)

14. In response to General Assembly resolution 46/240, the Secretary-General had proposed that countries with 1980-1989 per capita national income averages at or above \$5,000 should be allocated to group (b) and the remainder to group (c) (A/47/484, para. 9 (e)). As a result of that scheme, 10 developing countries, including Qatar, had been transferred to the developed category, his delegation found that difficult to accept.

15. If the methodology was to be changed in order to eliminate anomalies, all relevant factors should be taken into consideration. The general debate on the agenda item had shown that nearly all countries were in agreement as to the inefficiency of the criterion of per capita national income. The adoption of that criterion had resulted in a fivefold increase in the share of costs allocated to the 10 countries mentioned. Those countries had populations of less than 1 million, which affected their per capita national income. Accordingly, his delegation proposed that the matter should be referred to the Committee on Contributions.

AGENDA ITEM 104: PROGRAMME BUDGET FOR THE BIENNIUM 1992-1993 (continued)

Programme budget implications of draft resolutions A/C.3/47/L.42 and A/C.3/47/L.43 concerning agenda item 97 (a) (A/C.3/47/69)

16. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that the Advisory Committee had considered document A/C.5/47/69, containing a statement by the Secretary-General on the programme budget implications of draft resolutions A/C.3/47/L.42, concerning the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights, and A/C.3/47/L.43 concerning the implementation of the Convention on the Rights of the Child. Both draft resolutions had been recommended by the Third Committee.

17. Under draft resolution A/C.3/47/L.42, the General Assembly would, inter alia, endorse the amendments to the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and request the Secretary-General to take the appropriate measures to provide for the financing of the committees established under those conventions from the regular budget of the United Nations, beginning in 1994-1995.

18. As indicated in paragraph 5 of document A/C.5/47/69, CERD was partially funded through assessments; in other words, only the travel and subsistence costs for the 18 members were covered by assessments. The Committee against Torture was fully funded through assessments, which included the travel and subsistence of the 10 members of the Committee, staffing requirements and conference-servicing costs.

(Mr. Mselle)

19. In paragraphs 13 and 14, the Secretary-General stated with regard to CERD that, should assessed contributions and/or voluntary contributions be insufficient to cover the estimated requirements of \$236,800 for 1993, he intended to consult the Advisory Committee in the spring of 1993 on the measures that might need to be taken in order to ensure that CERD met as scheduled in that year.

20. Should the General Assembly adopt draft resolution A/C.3/47/L.42, then, beginning with the proposed programme budget for the biennium 1994-1995, all the requirements of the two committees would be provided for under the regular budget. As stated in paragraph 7 of document A/C.5/47/69, the full cost estimates, at 1993 rates, of the funding of the two committees during the biennium 1994-1995 would be \$615,000 for CERD and \$3,229,400 for the Committee against Torture. At the current stage, however, no additional appropriations would be required for 1993.

21. Under draft resolution A/C.3/47/L.43, the General Assembly would, *inter alia*, request the Secretary-General to ensure the provision of appropriate staff and facilities, within the overall existing budget framework, for the effective performance of the functions of the Committee on the Rights of the Child. As summarized in paragraph 18, the activities of the Committee on the Rights of the Child which had not been included in the programme budget for the biennium 1992-1993 would entail additional requirements totalling \$110,800. As indicated in paragraph 19, the Secretary-General proposed to redeploy an amount of \$66,000 to cover part of those requirements. That would, however, leave a shortfall of \$44,800. The Advisory Committee agreed with that sum and, accordingly, recommended that the Fifth Committee should inform the General Assembly that, should it adopt draft resolution A/C.3/47/L.42, no additional appropriations would be required at the current stage. Should draft resolution A/C.3/47/L.43 be adopted, an additional appropriation of \$44,800 would be required under section 28, Human rights, of the programme budget for the biennium 1992-1993.

22. Mr. IRUMBA (Uganda), supported by Mr. SENGWE (Zimbabwe), said that, in the light of the history of CERD, it was unclear whether the Secretary-General could be reasonably certain that sufficient contributions would be collected to enable it to meet. His delegation supported the request in draft resolution A/C.3/47/L.42 for CERD to be fully funded, and would appreciate clarification from the Secretariat as to how the effective performance of that Committee's functions could be ensured.

23. Mr. INOMATA (Japan), after reading out paragraphs 2 (b) and (c) of document A/C.5/47/69, said that draft resolution A/C.3/47/L.42 proposed a mechanism whereby, under the regular budget, countries which were not parties to a treaty would be required to take part in treaty obligations, such as financing. His delegation found such a financing modality difficult to accept. He recalled the Advisory Committee's announcement some two years earlier that it intended to undertake a study of ways of financing the costs

(Mr. Inomata, Japan)

of the human rights treaty bodies and requested the Chairman of the Advisory Committee to confirm that recollection. His delegation proposed that the Fifth Committee should recommend to the General Assembly that the Advisory Committee continue its study of such financing modalities and that the study be completed and submitted to the General Assembly at its next session.

24. His delegation noted that, while the non-payment by a number of countries of their assessed contributions to CERD had led to the cancellation of that committee's 1989 and 1990 sessions, the activities of the Committee against Torture had not been curtailed because of a lack of funds. Accordingly, his delegation doubted that there was a legal basis for the Third Committee's request in draft resolution A/C.3/47/L.42 that the shortfall in the funding of both committees be covered. Nevertheless, while reserving its position on the question of the financing of the two committees from the regular budget, Japan would not oppose the Advisory Committee's recommendation.

25. Mr. MICHALSKI (United States of America) said that his delegation shared the concerns of Japan regarding the funding of treaty bodies, and endorsed the suggestion that the question should be reviewed at the resumed session. Both the Secretariat and the Advisory Committee should prepare reports to be considered at that time. His delegation would not object to the provision of funding for the Committee on the Elimination of Racial Discrimination (CERD) or the Committee against Torture, although, as his delegation had indicated earlier, the honoraria for the members of those committees should be reduced to a notional amount of \$1 per annum, a reduction which should be duly reflected in the budget estimates for the biennium 1994-1995.

26. Mr. DUVAL (Director of the Programme Planning and Budget Division) said that paragraph 14 of the statement of programme budget implications (A/C.5/47/69) meant that the Secretariat intended to consult the Advisory Committee in the spring of 1993 should there not be enough resources to hold the scheduled meetings of CERD. Currently only some \$45,000 was available, whereas the estimated requirements for the 1993 sessions were \$236,800 (A/C.5/47/69, para. 13). Given CERD's recent history, it seemed that the shortfall in resources would continue. Paragraph 14 had been worded to allow for the possibility that enough resources might be forthcoming early in 1993 to at least cover the spring session of CERD. One avenue that could be explored would be to request the Advisory Committee to give a commitment authority to cover the cost of the sessions, pending payment by the States parties concerned of their contributions.

27. Mr. KINCHEN (United Kingdom) said that the United Kingdom was a State party to both conventions, and had supported the amendment of their provisions to provide for funding from the regular budget. The levying of assessed contributions was not, of course, a guarantee that financing would be forthcoming and it would be of interest to know what the current balance in the General Fund was.

28. The CHAIRMAN suggested that, on the basis of the statement of programme budget implications (A/C.5/47/69) and the recommendations of the Advisory Committee, the Fifth Committee should inform the General Assembly that, should it adopt draft resolution A/C.3/47/L.42, no additional appropriation would be required at the current stage. Should the General Assembly adopt draft resolution A/C.3/47/L.43, an additional appropriation of \$44,800 would be required under section 28 of the programme budget for the biennium 1992-1993, subject to the guidelines for the use and operation of the contingency fund adopted by the General Assembly in its resolution 42/211, and taking into account paragraph 14 of the statement of programme budget implications. It was further understood that the modalities of financing of treaty bodies would continue to be studied by the Advisory Committee, which would report thereon to the General Assembly as early as possible.

29. Mr. IRUMBA (Uganda) asked whether adoption of that decision would ensure that the 1993 sessions of the Committee on the Elimination of Racial Discrimination could be held as scheduled.

30. Mr. BEN HAMIDA (Tunisia) agreed that it was not clear whether the decision would ensure that the spring 1993 session could be held.

31. Mr. DJACTA (Algeria) asked when the study referred to in the proposed decision could be expected.

32. Mr. KINCHEN (United Kingdom) said that the regulations and rules relating to the prioritization of activities might be relevant to the matter before the Committee.

33. Mr. BAUDOT (Acting Controller) said that if the Committee proceeded to adopt the proposed decision the Secretariat would seek a commitment authority from the Advisory Committee in the event that contributions to the Committee on the Elimination of Racial Discrimination (CERD) proved inadequate. While there was no reason to think that the Advisory Committee would refuse, the Secretariat could not guarantee that the CERD sessions would be held. The request for the commitment authority would be made in writing in February. As the Committee was well aware, the financing of such treaty bodies was governed by provisions in the relevant conventions and depended on the payment by States parties of their contributions. The Secretary-General was proposing an extraordinary measure in his statement of programme budget implications in an effort to ensure that CERD could meet even if the funding due under the Convention was not forthcoming.

34. As noted by the representative of Japan, there was a need for a comprehensive policy on the funding of treaty bodies, some of which were funded from the regular budget whereas others were not. Regarding the General Fund, there was at present no money in the Fund to finance current activities under the regular budget of the Organization, and it would be necessary to borrow from other funds unless payments in respect of assessed contributions were received within the next few days. That situation notwithstanding, there

(Mr. Baudot)

was still a difference in terms of the likelihood of CERD sessions being held if they were funded under the regular budget, since that would mean that the sessions would be affected only if all the activities of the Organization were similarly affected.

35. The CHAIRMAN said that he would take it that the Committee wished to adopt the decision he had suggested.

36. It was so decided.

37. Mr. IRUMBA (Uganda) said that his delegation did not find the Advisory Committee's recommendations on the Third Committee's draft resolution concerning treaty bodies satisfactory, and expected the Secretariat to pursue the matter further. The whole question of the funding of treaty bodies must be resolved.

Programme budget implications of draft resolution A/C.3/47/L.51/Rev.1 concerning agenda item 93 (a) (A/C.5/47/70)

38. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that the activities enumerated in paragraph 2 of the statement of programme budget implications related to activities in the current biennium as well as in the biennium 1994-1995. Requirements for activities in the latter biennium would be included in the proposed programme budget for 1994-1995.

39. Conference-servicing requirements had been estimated at \$165,600 on a full-cost basis, while additional non-conference-servicing requirements of \$189,600 for the biennium 1992-1993 would also arise, comprising \$100,000 for general temporary assistance, \$25,000 for consultants, \$40,000 for travel of staff and \$24,600 for travel of representatives of the regional commissions to the organizational session of the Preparatory Committee in 1993.

40. It was estimated that no additional resources would be required under section 41 of the programme budget for 1992-1993 with regard to conference-servicing costs. An additional appropriation of \$189,600 would be required under section 21 with respect to the other costs, since no offsetting reductions had been made by terminating, deferring, curtailing or modifying other activities in the biennium 1992-1993.

41. The Advisory Committee was recommending that, should the General Assembly adopt draft resolution A/C.3/47/L.51/Rev.1, an additional appropriation of \$189,600 would be required under section 21 of the programme budget for the biennium 1992-1993, in addition to which an amount of \$23,600 would be required under section 36 (Staff assessment), to be offset by an increase in the same amount under income section 1 (Income from staff assessment).

42. Mr. Zahid (Morocco), Vice-Chairman, took the Chair.

43. Mr. MICHALSKI (United States of America) said it was encouraging that the costs of the preparatory phase of the World Summit for Social Development would be met from within existing resources. Nevertheless, it was disappointing that General Assembly resolution 35/10 C had been violated by the proposed establishment of a preparatory committee, and it was regrettable that the Committee on Conferences had not been consulted. He noted that most of the appropriations would fall within the biennium 1994-1995, and trusted that they would be absorbed within the outline to be adopted at the current session. In that connection, his delegation would welcome an estimate of the direct costs of the Summit.

44. The resolution adopted in the Third Committee provided for too much freedom in terms of regular budget funding. His delegation needed more information on the costs for the biennium 1994-1995 before a decision could be taken.

45. Mr. BAUDOT (Acting Controller) said that the current estimate was that Summit costs would amount to some \$2.8 million in the biennium 1994-1995.

46. The CHAIRMAN suggested that, on the basis of the statement of programme budget implications (A/C.5/47/70) and the recommendations of the Advisory Committee, the Fifth Committee should inform the General Assembly that, should it adopt draft resolution A/C.3/47/L.51/Rev.1, an additional appropriation of \$189,600 would be required under section 21 of the programme budget for the biennium 1992-1993, subject to the guidelines for the use and operation of the contingency fund adopted by the General Assembly in its resolution 42/211.

47. It was so decided.

Revised estimates resulting from resolutions and decisions of the Economic and Social Council at its substantive session of 1992 (A/C.5/47/21/Add.1)

48. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that the Secretary-General, pursuant to Economic and Social Council decision 1992/272 and resolution 36/8 of the Commission on the Status of Women, had decided to appoint a woman Secretary-General for the Fourth World Conference on Women: Action for Equality, Development and Peace, to assume responsibility for coordination of the Conference. It was proposed to make that appointment at the Assistant Secretary-General level, which would result in related costs for 1993 of \$166,500.

49. The Secretary-General, in his note on the restructuring and revitalization of the United Nations in the economic, social and related fields, had stated that he would present the final number and distribution of high-level posts financed from the regular budget for the remaining part of the biennium in the revised estimates for 1992-1993. Should the General Assembly concur with that proposal, a post at the Assistant Secretary-General level would be available to accommodate the Secretary-General of the Conference. On that assumption, and on the understanding that the necessary

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redeployment of the post would be reflected in the revised estimates for 1992-1993, no request for a post was being made at the current stage. The Advisory Committee had no objection to such a procedure, subject to the concurrence of the General Assembly regarding the distribution of high-level posts.

50. The Secretary-General of the Conference would need a secretary at the General Service level for the period January 1993 through December 1995, and it was estimated that additional expenditures of \$51,300 for general temporary assistance and \$20,000 for travel would be required for 1993. No activities having been proposed for termination, deferral, curtailment or modification in the biennium 1992-1993, additional requirements of \$71,300 would thus arise.

51. The Advisory Committee was recommending that, subject to the guidelines for the use and operation of the contingency fund, an additional appropriation of \$71,300 should be approved under section 21 of the programme budget for the biennium 1992-1993, in addition to an amount of \$14,800 under section 36 (Staff assessment), to be offset by an increase of the same amount under income section 1 (Income from staff assessment).

52. Mr. MICHALSKI (United States of America) said that his delegation would like a clarification of paragraph 4 of the Secretary-General's report. It had some difficulty with the Advisory Committee's recommendations regarding additional funds for secretarial and travel requirements. The decision to abolish various high-level posts would release posts at the secretarial level for redeployment and also travel funds. Since there appeared to be no reason to appropriate additional funds, his delegation proposed that any additional costs should be absorbed.

53. Mr. FONTAINE-ORTIZ (Cuba) asked whether the Secretariat was in a position to absorb the amounts under discussion. He also asked whether the Secretariat could make financial arrangements based on a proposal by the Secretary-General which had not yet been adopted by the General Assembly; in other words, whether the resources allocated to the high-level posts could be used before those posts had been abolished.

54. Ms. ERIKSSON FOGH (Sweden) asked how the United States proposal would affect preparations for the Conference.

55. Mr. MICHALSKI (United States of America), speaking with reference to the proposed abolition of 13 high-level posts, asked what would become of the secretarial posts and the travel funds associated with the high-level posts.

56. Mr. BAUDOT (Acting Controller), replying to the representative of Cuba, said that, as paragraph 4 of document A/C.5/47/21/Add.1 and the oral report of the Chairman of ACABQ made clear, the Secretary-General's proposal depended on the decision taken by the General Assembly with regard to the matter of high-level posts.

(Mr. Baudot)

57. The United States representative was correct in stating that the proposal on the revised estimates to eliminate 13 high-level posts did not refer to the resources attached to those posts. In that regard, it would be recalled that the General Assembly had decided that a turnover rate of one per cent should be applied to posts at the secretarial level during the biennium 1992-1993. An attempt had been made to stay within those limits while providing all the necessary secretarial assistance. Redeployment could not be carried out until the distribution of secretarial posts had been reviewed. As for travel appropriations, they were attached, not to a post, but to a programme. A detailed analysis of the areas of the Secretariat where the posts were to be abolished was required. Travel appropriations would be reviewed carefully in the preparation of the 1994-1995 programme budget.

58. Mr. MICHALSKI (United States of America) said that his delegation was still not convinced that the costs could not be absorbed. The General Service vacancy rate was currently 0.5 per cent, so posts should be available for redeployment. Therefore, his delegation saw no justification for additional funding to be provided at the current stage. If the Secretary-General intended to absorb the costs of the post for the Secretary-General of the Conference at the Assistant Secretary-General level, he should also be able to absorb the secretarial and travel costs. He suggested that any decision should be postponed until the revised estimates were available.

59. Ms. ERIKSSON FOGH (Sweden) recalled that a number of delegations, including her own, had expressed concern at an earlier session regarding the level of resources appropriated for the preparation of the World Conference on Women. She therefore had doubts about the wisdom of the United States suggestion.

60. Mr. KINCHEN (United Kingdom) said that his delegation welcomed the appointment of the Secretary-General for the World Conference on Women. He suggested that the Committee should proceed on the basis of the Advisory Committee's recommendations. If it became apparent later that a post could be redeployed to perform that function, that step could be taken in the context of the revised estimates.

61. Mr. IRUMBA (Uganda) said that the position of his delegation in favour of funding such activities was well known. The Acting Controller had said that the additional resources were required for the implementation of the resolution, and he wondered whether it would not be implemented without the additional funding. In view of the reservations of the United States delegation, informal consultations should be held on that item.

62. Mr. MICHALSKI (United States of America) said that the approach suggested by the United Kingdom representative would meet the concerns both of his delegation and of delegations which were anxious to ensure that funding for preparations for the Conference would be available at an early stage. He hoped that the additional costs would be considered and savings proposed at the resumed session.

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63. The CHAIRMAN said he took it that the Committee wished to recommend to the General Assembly that, at the current stage, it should approve the additional requirements resulting from the resolutions and decisions of the Economic and Social Council in 1992, estimated at \$71,300 under section 21 of the programme budget for 1992-1993, on the understanding that such additional appropriations would be subject to the guidelines for the use and operation of the contingency fund adopted by the General Assembly in its resolution 42/211 of 21 December 1987, and on the understanding that the Secretary-General would consider possible redeployment in the context of the revised estimates to be submitted early in 1993.

64. It was so decided.

65. Mr. Dinu (Romania), Chairman, resumed the Chair.

Revised estimates under section 31: establishment of seven United Nations interim offices (A/C.5/47/58)

66. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that, pursuant to Economic and Social Council resolution 1992/40, the Secretary-General in March 1992 had decided to establish integrated United Nations offices in Armenia, Azerbaijan, Belarus, Kazakhstan, Ukraine and Uzbekistan, and subsequently, in Georgia. The responsibility for the establishment of those offices, which were to provide a unified United Nations presence and to facilitate the dialogue between the United Nations and its programmes and the new Member States had been entrusted to the Department of Public Information and the United Nations Development Programme (UNDP). Each interim office would have one United Nations representative and a deputy to represent the United Nations and its programmes as a whole, totalling 14 Professional and high-level posts and 35 local Field Service posts for the seven interim offices. The United Nations would provide for seven Professional and seven local Field Service posts.

67. The United Nations and UNDP had agreed in principle to share equally the start-up and recurrent operating costs for the seven interim offices, on the understanding that the United Nations share of such costs would not exceed \$85,000 per office, or \$595,000 for seven offices. Furthermore, a provision of \$163,200 would be required for general temporary assistance, and \$176,400 for seven local Field Service posts. In paragraph 11 of his report, the Secretary-General stated that no activities were proposed for termination, deferral, curtailment or modification under section 31 of the programme budget for 1992-1993 in order to finance the establishment of the seven interim offices, and an appropriation of \$934,600 would therefore be required under that section.

68. The Advisory Committee had been informed that some United Nations staff had already been redeployed on a temporary basis beginning in October 1992 to five interim offices, while two staff members were expected to establish the remaining two offices by February 1993. Bearing in mind that there should be

(Mr. Mselle)

an integrated United Nations system approach to the establishment of those offices, the Advisory Committee was of the view that the filling of those posts by United Nations and UNDP staff and the deployment schedule should have been indicated in the budget document. It also had problems in assessing the United Nations and UNDP share of each office relating to both development assistance and information support, in view of financing from various sources, including the contingency fund.

69. The Governing Council of UNDP, in resolution 92/43, paragraph 11, had approved the use of up to \$3 million during 1992-1993 from savings in original appropriations for the 1992-1993 UNDP core budget to establish temporary and/or regional UNDP offices in the countries concerned. An integrated budget for integrated United Nations interim offices should be submitted, with information on development assistance and information support and with complete information on sources of financing.

70. Accordingly, the Advisory Committee recommended that the Secretary-General should be requested to resubmit a comprehensive report on the establishment and operation of the seven United Nations interim offices, including staffing, project implementation, and an integrated budget with full sources of financing at the resumed forty-seventh session of the General Assembly.

71. Mr. MICHALSKI (United States of America) said that his delegation was pleased that the Secretary-General had made an effort to reach agreement on sharing offices with other programmes, and hoped that approach would be expanded. It also appreciated that the staff had been provided through redeployment. However, paragraph 3 of the Secretary-General's report suggested that the main function of the interim offices was development activities, rather than information services. In that case, the United Nations regular budget should absorb a much smaller share of the costs. If the local Field Service posts referred to in paragraph 9 were to be recruited locally, the figure of \$25,000 per post appeared excessive.

72. His delegation endorsed the Advisory Committee's recommendation that no action should be taken at the current session and that a revised proposal should be considered at the resumed session.

73. Mr. SPAANS (Netherlands) said that when, at its thirty-ninth session, the UNDP Governing Council had taken decision 92/43 with regard to offices in the Commonwealth of Independent States, it had given the Administrator only limited authority regarding their establishment. It had decided that there should be an integrated United Nations system approach, and that action should be taken jointly with other United Nations organizations as far as possible.

74. Any decision taken at the current session could prejudice the discussion of the item to take place at the special session of the UNDP Governing Council in February 1993. His delegation understood the ACABQ recommendations to mean

(Mr. Spaans, Netherlands)

that it was not desirable to take a decision on interim offices while the debate on the concept of a unified field presence was continuing. In addition, with regard to the financing of a possible United Nations share of those offices, it would be important to look at the effects of the restructuring of the Department of Public Information (DPI).

75. Mr. FONTAINE-ORTIZ (Cuba) said that the Secretary-General's proposal on the establishment of seven United Nations interim offices in countries that had formerly been part of the Soviet Union was not in keeping with the guidelines and instructions contained in General Assembly resolutions on operational activities for development. The interim offices were intended to provide assistance in the area of operational activities for development, which were financed from voluntary contributions. The developing countries had emphasized that they could not accept a rechannelling of resources away from them to finance the interim offices, and that the necessary resources should come from additional contributions. However, not only were funds being rechannelled but the Secretary-General had proposed that resources from the regular budget should be used for technical assistance activities. That would mean that the developing countries would be providing part of the financing for those operational activities for development.

76. In paragraph 3 of his report (A/C.5/47/58), the Secretary-General stated that the initial arrangements did "not prejudice any future specialized agency presence in the countries concerned". However, such arrangements did prejudice the presence of any specialized agency that might later become involved in the activities of the United Nations interim offices, since the activities of specialized agencies would be governed by the arrangements made at the time of the establishment of the interim offices. Moreover, in paragraph 4, the Secretary-General stated that each interim office would "have one United Nations representative and one United Nations deputy representative to represent the United Nations and its programmes as a whole". That question was still in the negotiating stage, and it would be difficult to accept a document that prejudged decisions that Member States might take.

77. In paragraph 8, the Secretary-General referred to the redeployment of posts. When he submitted a new document on the subject, he should indicate precisely which posts were available for temporary redeployment.

78. His delegation supported the recommendations of the Chairman of ACABQ. However, it considered that the following paragraph should be added to the recommendation:

"Also requests the Secretary-General to ensure that his proposals are in conformity with the mandates and guidelines that the General Assembly has adopted on this subject."

79. Mr. CLAVIJO (Colombia) said that his delegation fully supported the recommendation of ACABQ that the Secretary-General should submit a more detailed report. Moreover, the Secretary-General should ensure that his proposal was in keeping with the resolution on operational activities for development, recently adopted by the Second Committee. The Special Political Committee had already adopted a resolution according to which the Committee on Information would consider, in 1993, a report of the Secretary-General on his plan of integrating United Nations information centres with other United Nations offices. His delegation wondered how the Fifth Committee could adopt the Secretary-General's proposal before that report was considered and adopted by the Committee on Information and the Special Political Committee.

80. Mr. SENGWE (Zimbabwe) said that, at the resumed forty-seventh session of the General Assembly, the Secretary-General should clarify the role of the Committee on Information vis-à-vis the objectives and functions of the interim offices as set forth in paragraph 3 of the Secretary-General's report (A/C.5/47/58).

81. Mr. BELIAYEV (Belarus) said that his delegation attached great importance to the opening of a United Nations/UNDP office in Minsk. The functions of that office were considerably broader and more important than they might seem from the description given in paragraph 3 of the Secretary-General's report. One of the functions of the office would be to carry out special projects involving Belarus and the United Nations. Moreover, the office would be situated in the city where the first meeting of members of the Commonwealth of Independent States had been held at the level of heads of Government. Many working bodies of the Commonwealth held meetings in Minsk, and some bodies had their headquarters in that city. Information about the work of those bodies and the processes taking place in the Commonwealth of Independent States should be of great interest to the United Nations.

82. Belarus was making every effort to provide logistical support and premises and to cover other expenses in order to ensure the normal functioning of the office.

83. His delegation regretted that the Secretary-General's report had been introduced late and did not contain sufficient information about the activities of the office. That was why ACABQ had been unable to consider the problem fully. His delegation accepted the Advisory Committee's recommendation and hoped that, at the resumed forty-seventh session of the General Assembly, the Secretary-General would provide more information on the activities of the interim offices, or at least the office in Belarus.

84. Mr. BAUDOT (Acting Controller) said that the Advisory Committee's recommendation to the General Assembly, and the decision that the Committee would adopt, meant that there would be no additional resources in 1993 for the interim offices, and it would be necessary to absorb those costs. The Secretariat would comply with the Committee's decision and submit a report on the subject early next year.

85. Mr. FONTAINE-ORTIZ (Cuba) wished to know whether the Secretariat had the capacity to "absorb" the costs of the interim offices.

86. Mr. IRUMBA (Uganda) said that his delegation supported the statements made by the representatives of the Netherlands, Cuba and Colombia regarding the unified United Nations/UNDP presence and the need to establish offices within the existing mandate. It also associated itself with the question regarding the Secretariat's absorptive capacity.

87. In paragraph 8 of the Secretary-General's report, it was not clear whether staff would be redeployed from posts in other centres or from elsewhere. He emphasized that all seven centres that had been mandated should be staffed fully. Also in paragraph 8 of the report, the Secretary-General noted that "should there be any difficulty in identifying posts at the appropriate levels before 30 June 1993, a report [would] be submitted to the Advisory Committee on Administrative and Budgetary Questions". His delegation suggested that, as far as possible, the Committee should be informed about the posts that were to be redeployed at the resumed session.

88. Mr. KOULYK (Ukraine) said it seemed that some delegations were accusing the Secretary-General of being too hasty in his decision to open the seven interim offices in the countries of the former Soviet Union. His delegation did not understand how the Secretary-General was exceeding the provisions of the relevant resolutions of the Economic and Social Council, nor how he was prejudging the decisions of the special session of UNDP. The Secretary-General's approach to the issue had been very cautious and he had taken every measure to ensure that the decision to establish the centres was financially sound. The mandate of the centres reflected the need for contact between the United Nations and the seven countries situated in the territory of the former Soviet Union. Moreover, the centres would be serving the needs of a particular region and not of just one country. His delegation supported the Secretary-General's request in the light of the clarifications made by the Acting Controller.

89. Mr. BAUDOT (Acting Controller) said that, with regard to the financial arrangements and budgetary requirements, he should not have used the word "absorb". What he had meant was that there would be no additional resources when the revised budget estimates and the Secretary-General's report (A/C.5/47/58) were considered early in 1993 because there would be no further assessments after those in early January 1993.

90. The CHAIRMAN suggested that the Committee should request the Secretary-General to resubmit a complete report on the establishment of the seven United Nations interim offices.

91. Mr. FONTAINE-ORTIZ (Cuba) reminded the Chairman that his delegation had proposed that an additional paragraph should be added to the Advisory Committee's recommendation on the subject.

92. Mr. KOULYK (Ukraine) said that the change proposed by the representative of Cuba implied that the Secretary-General might not be complying with General Assembly decisions. His delegation therefore supported the proposal that had been read out by the Chairman.

93. Mr. CLAVIJO (Colombia) said that the Cuban wording took into account the concern expressed by a number of delegations regarding the programmatic aspects of the interim offices. His delegation therefore supported it.

94. Mr. IRUMBA (Uganda) said that his delegation supported the additional wording proposed by the representative of Cuba. However, if the Committee did not find it acceptable, he proposed that the following words should be added to the Chairman's proposal " , taking fully into account the mandates and proposals that the General Assembly has adopted".

95. Mr. FONTAINE-ORTIZ (Cuba) said he thought that his proposed addition was much more precise than that of the representative of Uganda.

96. Mr. SENGWE (Zimbabwe) said that his delegation supported the Cuban proposal, which was clear and to the point.

97. Ms. ROTHEISER (Austria) proposed that the Committee should defer its consideration of the matter to a subsequent meeting. Perhaps the interested members of the Committee could meet in informal consultations to reach agreement on the wording of the Chairman's proposal.

98. After a discussion in which Mr. KOULYK (Ukraine), Mr. FONTAINE-ORTIZ (Cuba) and Mr. DJACTA (Algeria) took part, the CHAIRMAN said that the Committee would defer its consideration of the matter, and that interested delegations should reach agreement on the wording of a proposal in informal consultations.

Revised estimates under section 28: Centre for Human Rights (A/C.5/47/71)

99. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that the General Assembly, by its resolution 44/201 B, had decided that additional requirements for new mandates emanating from decisions of the Economic and Social Council that were outside the scope of the perennial activities included under the section for human rights were to be treated in accordance with the provisions for the use and operation of the contingency fund. Further the Advisory Committee had been informed that the Secretariat did not intend to continue to produce statements of programme budget implications for perennial activities in the future since provision for such activities was included in the programme budget. Nevertheless, for reasons indicated in the Secretary-General's report (A/C.5/47/71), projected expenditures as of the end of 1992 were expected to exceed approved appropriations for the year by some \$500,000. On that basis, and bearing in mind the recosting exercise to be carried out in context of the first performance report, it was estimated that additional resources totalling

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\$760,000 for the entire biennium would be required. In that connection the Advisory Committee recalled that an amount of \$1,218,000 had been included in the programme budget for the biennium 1992-1993 specifically for additional activities emanating from decisions of the Economic and Social Council.

100. The Secretary-General had earlier indicated that each statement of programme budget implications and each proposal for revised estimates should contain alternatives to financing proposed new activities from the contingency fund, and that activities of low priority would be postponed to the next biennium if they could not be financed from the contingency fund. The Secretary-General had not, however, followed that procedure with regard to activities under section 28. The Advisory Committee believed that human rights activities should not be exempt from normal priority-setting procedures that would obviate an immediate need for new resources when new activities arose. Further, the Secretary-General could have anticipated some of the new activities and submitted his request for new resources at an earlier stage.

101. The Advisory Committee noted that the number of human rights posts funded under the regular budget had increased from 73 in the biennium 1988-1989 to 81 in the biennium 1992-1993, excluding general temporary assistance. In fact, it was the Advisory Committee's understanding that 93 posts were currently being used for human rights activities. Further, with reference to the redeployment of 16 Professional posts to the Centre for Human Rights from 15 October 1992, for an initial period of six months (A/C.5/47/71, para. 10), with the exception of the 5 posts to assist the Special Rapporteur to investigate the human rights situation in the territory of the former Yugoslavia, the Advisory Committee was not convinced that adequate justification in terms of workload had been made. In that connection, the Advisory Committee drew attention to General Assembly resolution 46/185, section XIX. It regretted that no information had been supplied regarding the sections of the budget from which the posts were being redeployed or why they were considered redundant under those sections.

102. The Advisory Committee recommended that a comprehensive review should be conducted of the transfer of posts between budget sections for section 28 and other sections of the budget so as to enable it to make appropriate recommendations. With regard to the revised estimates under section 28, the Advisory Committee recommended that the Secretary-General's request for additional resources totalling \$760,000 should not be approved at the current stage, and that the request should be justified in the context of the budget performance report. Nevertheless, the Advisory Committee recommended approval of the resources requested with respect to the Special Rapporteur for human rights in the territory of the former Yugoslavia, in an amount of \$890,000 under section 28 for the biennium 1992-1993.

103. Mr. JU Kuilin (China) asked whether the redeployment of 16 Professional posts and the projected expenditure of \$500,000 as at the end of 1992, not to mention the possibility of additional requirements, were in accordance with

(Mr. Ju Kuilin, China)

the Financial Regulations and the mandates of the General Assembly. The Committee would recall that the overall rate of growth of the budget for the biennium 1992-1993 was 0.9 per cent, whereas that of the Centre for Human Rights was of the order of 11 per cent, a situation which many delegations questioned.

104. In that connection, the Board of Auditors had noted that the Centre for Human Rights had repeatedly engaged staff in disregard of budgetary constraints, and the Board had also drawn attention to a number of shortcomings in personnel management at the Centre. Given the foregoing, his delegation would welcome further information from the Centre concerning the redeployment of the 16 posts and the matters referred to by the Board.

105. Mr. KINCHEN (United Kingdom), speaking on behalf of the European Community, said that the oral report given by the Chairman of the Advisory Committee required careful consideration, and that the European Community delegations wished to defer consideration of the item for a minimum of 24 hours.

106. Mr. MICHALSKI (United States of America) said that his delegation was somewhat concerned by the Advisory Committee's recommendations, and would welcome a written copy of the Chairman's statement so that it could better analyse the impact of the recommendations on the work of the Centre for Human Rights. The Chairman of ACABQ had failed to point out that the increase in Professional posts had been offset by a reduction in general temporary assistance, so that the overall increase in resources was not as large as implied.

107. Mr. MERIFIELD (Canada) said that his delegation could not consider the recommendations of the Advisory Committee relating to such a large amount in the absence of a written report. Nevertheless, should the Chairman so suggest, his delegation could support adoption of the Secretary-General's proposals contained in document A/C.5/47/71.

108. Mr. KARBUCKZKY (Hungary) said that his delegation had significant difficulties with the statement made by the Chairman of the Advisory Committee, and would welcome its circulation in writing. The Committee should defer its consideration of the item.

109. Mr. IRUMBA (Uganda) said that his delegation welcomed the Advisory Committee's view that post redeployments should be justified by workload rather than by assertions of importance, and was willing to support the ACABQ recommendations. Nevertheless, he could accept the view of other delegations that the Committee should defer the item pending circulation of the statement by the Chairman of the Advisory Committee in writing.

110. Mr. FONTAINE-ORTIZ (Cuba) said the request for deferral of the item was legitimate. In the meantime the Secretariat could perhaps provide a breakdown of where the 16 Professional posts had been redeployed from. In that connection he questioned whether the transfers were in accordance with the Financial Regulations and Rules. He also wished to know how the amount approved by the General Assembly for new mandates of the Economic and Social Council had so far been used. He noted that General Assembly resolution 46/118 was the legislative basis in connection with the matter before the Committee, but observed that that resolution had been based on a draft resolution of the Third Committee, which had no authority in terms of administrative matters.

111. Mr. DANKWA (Ghana) said that the Advisory Committee was attempting to draw a distinction between the request for increased resources for the Centre for Human Rights, in an amount of \$760,000, which, it was recommending, should be absorbed and reflected in the budget performance report, and the request for additional resources in an amount of \$890,000 for the Special Rapporteur for human rights in the former Yugoslavia. That approach would allow the Secretary-General to implement programmes without placing an undue burden on Member States. He agreed with the Advisory Committee that no adequate explanation in terms of workload had been provided for the redeployment of Professional posts to the Centre for Human Rights.

112. His delegation could accept the Advisory Committee's recommendations but, if other delegations so desired, would accept a 24-hour delay so that the Committee could receive a written report from the Advisory Committee. His delegation strongly agreed that the Secretary-General must explain where the 16 posts redeployed to the Centre for Human Rights had been taken from, and how that action had affected other programme activities.

113. Ms. ROTHEISER (Austria) said that the Advisory Committee's recommendations represented significant cuts in the Secretary-General's proposals. Given the importance of human rights issues to her delegation, she supported the views expressed by the United Kingdom on behalf of the European Community and by the United States of America.

114. Mr. NA CHAMPASSAK (Australia) said that human rights issues were of great interest to his delegation also. While he could agree to proceeding on the basis of the document before the Committee, he would need to see a written report from the Advisory Committee before considering the recommendations it was making for a cut in the amount requested by the Secretary-General.

115. Mr. BAZABIDILA (Congo) said that his delegation supported the Advisory Committee's recommendations.

116. Mr. FONTAINE-ORTIZ (Cuba) asked whether it was the normal practice for oral statements of the Advisory Committee to be circulated in writing at the request of delegations, and, if not, whether the Committee would now follow such a practice.

117. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that it was the Advisory Committee's normal practice to submit oral reports late in the session. The statement on the Secretary-General's proposals before the Committee could be made available informally on the following day, but the time required for processing, including translation into all the official languages and reproduction, was such that it could not be available as an official document for several days. Oral statements by the Advisory Committee were normally issued in due course as documents of the General Assembly.

118. The CHAIRMAN said that the Committee would defer its further consideration of the matter pending the holding of informal consultations.

AGENDA ITEM 111: SCALE OF ASSESSMENTS FOR THE APPORTIONMENT OF THE EXPENSES OF THE UNITED NATIONS (continued) (A/47/11)

119. Mr. LUEDIG (Estonia), speaking on behalf of Armenia, Azerbaijan, Estonia, Latvia, Lithuania and the Republic of Moldova, said that the six delegations wished to have the Fifth Committee refer the following question to the Legal Counsel for a written legal opinion:

"If the Russian Federation is the successor State to the former Union of Soviet Socialist Republics in so far as the United Nations system is concerned, given that Boris Yeltsin's letter to the Secretary-General dated 24 December 199... states that the Russian Federation has assumed all the rights and financial obligations of the former Union of Soviet Socialist Republics under the Charter of the United Nations, those rights including but not limited to the permanent seat on the Security Council, the seats of the former Union of Soviet Socialist Republics in all United Nations committees, organs and specialized agencies and the allotment of staff positions in the United Nations Secretariat formerly granted to the Union of Soviet Socialist Republics, on what legal basis was the decision made by the Committee on Contributions to redistribute the total assessment of the former Union of Soviet Socialist Republics among Armenia, Azerbaijan, Belarus, Estonia, Georgia, Latvia, Lithuania, Kazakhstan, Kyrgyzstan, the Republic of Moldova, the Russian Federation, Tajikistan, Turkmenistan, Ukraine and Uzbekistan rather than assess those individual countries as sovereign Member States?"

120. The aim of the six delegations concerned was to assist the Committee in its consideration of the scale of assessments. The question was couched in legal terms, and a legal, not a political, response was sought. The six delegations were not seeking to enter into a general discussion of the legal and political issues surrounding the dissolution of the former Soviet Union. Indeed, the Baltic States had never legally formed part of the Soviet Union, having been illegally occupied and annexed in 1940.

121. Nevertheless, the six delegations did wish to see an analysis of the commitment by the Russian Federation to shoulder certain financial obligations

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of the former Soviet Union with respect to the United Nations in exchange for the right to assume the former Soviet Union's position within the Organization. The Committee on Contributions had failed to consider the legal aspects of the Russian Federation's position with respect to Soviet financial obligations in that it had treated the Baltic States and Armenia, Azerbaijan and the Republic of Moldova as successor States to the former Soviet Union in so far as Soviet obligations were concerned. While those States were willing to shoulder a fair share of the expenses of the Organization, they were opposed to any attempts to link their assessment rates to that of the former Soviet Union.

122. The six delegations were seeking an equitable solution to the question of their assessments, and the submission of the question to the Legal Counsel was part of that process. He trusted that the Committee would decide to refer the question by consensus.

123. Ms. SIMONE (Armenia) said that the Committee had earlier decided to refer a set of questions submitted by Ukraine and Belarus to the Legal Counsel. The six delegations concerned were asking for their question to be similarly referred. Regarding the assertion by the Russian Federation that it alone was competent to interpret the letter sent by its President, such a position was clearly not tenable. Other States had a right to their interpretations.

124. Mr. SNEGUR (Republic of Moldova) said that referral of the question would help the Committee in the negotiations on the scale of assessments. While the procedure might be exceptional, so were the circumstances. In any event the Committee had recently established a precedent.

125. Mr. SUZIEDELIS (Lithuania) said that referral of the question would not involve consideration of the substantive issues relating to the scale of assessments but only the right of every delegation to seek guidance. Some had maintained that the submission of the question represented an attempt on the part of the States concerned to avoid their obligations. His delegation reiterated its commitment to the Charter and willingness to assume its fair share of the financial burden, and noted that it had paid in full its estimated assessment for the first year of membership. Other delegations should also honour their stated intent to pay their assessed contributions. He trusted that the Fifth Committee could resolve the matter in keeping with its normal practice of consensus.

126. Mr. NOVRUZOV (Azerbaijan) said that the six delegations which had submitted the question were not seeking a legal opinion regarding the letter of 24 December 1991 from the President of the Russian Federation; they were, rather, seeking a legal opinion regarding the legal basis of the decision taken by the Committee on Contributions on the redistribution of the former Soviet Union's assessment. Nor were they trying to reopen the whole question of the scale of assessments and the apportionment of costs among Member States. The claim by the Russian Federation that the scale of assessments

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established in General Assembly resolution 46/221 could not apply to it since the Union of Soviet Socialist Republics had been dissolved was untenable. The letter from the President of the Russian Federation was dated four days later than the resolution, so that the Russian Government had obviously been aware of the rate of 9.41 per cent established for the Soviet Union when, in its letter, it had accepted the financial obligations of the Soviet Union. It could not claim that the intent had been to assume merely part of the financial obligations.

127. The six States had joined the Organization as new Member States in accordance with the normal procedures applying to new Member States. None of their rights at the Organization derived from the rights of the former Soviet Union, and neither did any of their obligations. The six delegations were simply exercising their right to seek information, a right which all members of the Committee should support. Accordingly, he trusted that the Committee would endorse the request by consensus.

128. Mr. COHEN (United States of America) said that his delegation was not convinced of the utility of seeking legal opinions in such circumstances, since the issues involved were essentially political. A legal opinion would not contribute to the work of the Committee on the scale of assessments.

129. Mr. DANKWA (Ghana) said that any delegation was free to request an opinion from any representative of the Secretary-General, including the Legal Counsel. Yet his delegation was concerned by the way in which the question had been framed, since it amounted to a leading question which could result in a review of the whole scale of assessments with a possible attempt at redistribution, a possibility which his delegation could not accept. The question should be reformulated. In particular the part of the question reading "those rights including but not limited to (...) formerly granted to the Union of Soviet Socialist Republics", should be deleted, since it amounted to an interpretation of the letter from the President of the Russian Federation. To make it clear that the question related only to the redistribution of the assessment of the former Soviet Union, the listing of States at the end of the question should be replaced by the phrase "among the constituent States of the former Union of Soviet Socialist Republics". Only if such changes were made could his delegation support the submission of the question to the Legal Counsel. The Committee should, in any event, be clear that the question related essentially to present and future obligations and not to past obligations.

130. Ms. ROTHEISER (Austria) said that her delegation was in favour of seeking legal opinions. Nevertheless, she wondered how helpful it would be in the current context, and why the delegations concerned had not submitted questions to the Legal Counsel when Ukraine and Belarus had done so earlier in the session.

131. Mr. KOCATURK (Turkey) said that his delegation supported the submission of the question by the delegations concerned.

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132. Mr. LAHDEVIRTA (Finland), speaking on behalf of the Nordic countries, said that they supported the right of the delegations concerned to submit a question to the Legal Counsel. The Committee had, of course, recently endorsed the submission of questions to the Legal Counsel by other delegations in connection with the same matter, and equity demanded a similar endorsement in the current situation.

133. Mr. DUHALT (Mexico) said his delegation agreed that any Member State was free to request the opinion of the Legal Counsel. Nevertheless, he had some doubt regarding the formulation of the question submitted. Firstly, the question referred to the "decision" made by the Committee on Contributions, whereas it was his understanding that that Committee made recommendations to the General Assembly, which then took a decision. Secondly, the question assumed that the assessments of the States in question had not been established as assessments of new Member States but through a redistribution of the assessment of the former Soviet Union. It did not, however, seem to his delegation that those two elements were mutually exclusive. His understanding of the process followed by the Committee on Contributions was that it had, in fact, established assessments for the new Member States in accordance with the normal criteria, and that those assessments had then been deducted from the assessment of the former Soviet Union. It was only in that sense that there had been a redistribution of the assessment of the former Soviet Union. It would be helpful if the delegations submitting the question would clarify the contradiction they seemed to see in the procedure followed by the Committee on Contributions.

134. Mr. DEINEKO (Russian Federation) said that any Member State had the right to seek a legal opinion from the Legal Counsel provided that it did not represent an attempt to review the decision of any expert body. In such a case as the one before the Committee, however, the utility of any answer was questionable.

135. The question arose of whether the Russian Federation was an interested party to the matter before the Committee. The delegations submitting the question had, in practice, declined to allow the Russian Federation to participate in the informal consultations, a fact which had led to a number of inaccuracies in the text. For example, while the text referred to the Russian Federation as the successor State to the former Union of Soviet Socialist Republics, no such statement was made in the letter from the President of the Russian Federation. All that had been said was that the Russian Federation continued the membership of the former Union of Soviet Socialist Republics. Further, the question submitted by the six States implied that the Russian Federation was the sole successor to the Soviet Union. If that were the case, the Russian Federation would have the right to speak on behalf of all the former constituent Republics of the Soviet Union.

136. While the Russian Federation had assumed all the financial obligations of the former Soviet Union as of the end of 1992, there could be no question of future obligations for the Soviet Union. The Russian Federation could not

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support the submission of the question to the Legal Counsel as currently worded. Inter alia the reference to desirable ranges was inappropriate given that the Committee would consider that question under the appropriate item. Nevertheless a compromise text could be formulated.

137. Mr. STITT (United Kingdom) said that his delegation maintained its position that no government or delegation had a right to seek legal advice from the Legal Counsel, who was at the disposal of organs of the United Nations alone. The only right delegations had was to seek to transmit a request through a particular organ, which itself must take a decision regarding the substance and utility of such requests. It was not at all clear that the Fifth Committee had acted wisely at the current session when it had endorsed questions to the Legal Counsel put by certain delegations. The fact that the Committee had erred once was not an argument for erring again, as would surely be the case if political questions were treated through the intermediary of a legal expert.

138. Mr. IRUMBA (Uganda) said that his delegation supported the right of any delegation to submit questions to the Legal Counsel for his opinion, although the question remained of whether that opinion would make sense in the situation. In any event if the questions were to be submitted by the Committee, the text would need to be amended to secure a consensus.

139. Mr. MIHAI (Romania) agreed that any delegation should have the right to put questions to the Legal Counsel. The text of the question erroneously referred, however, to a decision of the Committee on Contributions, which, in fact, merely made recommendations.

140. Miss SHITAKHA (Kenya) said that while her delegation supported the right of any delegation to obtain a legal opinion, it might have been helpful for the Committee to clarify the legal position on that matter. In any event, the text would certainly need to command a consensus if it was to be put to the Legal Counsel.

141. Mr. RAE (India) said that his delegation also agreed that any delegation could put questions to the Legal Counsel. Nevertheless the view of the Legal Counsel would be an opinion only, and the Fifth Committee would need to take a political decision. Regarding the formulation of the text, his delegation wondered why the countries listed included Belarus and Ukraine, since the Legal Counsel had already addressed issues relating to their assessments.

142. Mr. DAMICO (Brazil) said that his delegation supported the right of all Member States to seek legal opinions provided that the subsidiary organ in question endorsed them. He also supported the views expressed by the representative of Mexico. Any amendment to the text should be done through direct negotiations rather than in the Committee.

143. Mr. FONTAINE-ORTIZ (Cuba) said that his delegation had earlier raised the issue of whether any rules governed the submission of questions to representatives of the Office of Legal Affairs. It seemed to him that officials representing various departments came to the Fifth Committee to answer questions, and that the same should be true of the Office of Legal Affairs. It might be preferable for the Legal Counsel simply to respond to questions raised from the floor, without actually submitting a written question for a so-called legal opinion. Presumably any opinion from the Office of Legal Affairs was in fact a legal opinion, and in any event the Fifth Committee would still need to take a technical and political decision on the basis of that opinion. Such an approach would end the lengthy debate over the formulation of the question and allow the Committee to proceed with its work in the little time still available.

144. The CHAIRMAN said that the Office of Legal Affairs had recently informed him that any view expressed by any of its representatives would constitute a legal opinion, and that such an opinion could be provided only in response to a request by the Committee itself.

145. Mr. LUEDIG (Estonia) said that the text of the revised question, as circulated informally, should read, at the beginning, "given Mr. Boris Yeltsin's letter to the Secretary-General dated 24 December 1991 which states that the ...", that the names of Belarus and Ukraine should be omitted, and that the words "legally valid" should be added at the very end. The phrase "those rights including but not limited to (...) formerly granted to the Union of Soviet Socialist Republics" had been included as an indication of what had actually happened.

146. Regarding the issue of past versus future obligations, the Committee would note that none of the calculations involving the assessment of the 15 former Soviet Republics produced a total assessment equal to that of the assessment of the former Soviet Union as calculated in previous scales or in the current scale. The Soviet Union had admitted that its assessment had been based in part on politically derived elements. Given such a situation, it was not for the new Member States to bear the burden of politically inspired payments. That political element was reflected still in the current scale, but should be completely eliminated in the next and subsequent scales.

147. The reference to the decision of the Committee on Contributions was not meant in a formal sense but simply to indicate that that Committee had made such a choice. Regarding the comment that the redistribution of the former Soviet assessment and the calculation of the assessments of the new Member States were not mutually exclusive, the six delegations were simply seeking a calculation of assessments based on their economic data submitted as sovereign States without any element of redistributing the former Soviet assessment. Concerning the comment that the Russian Federation had been excluded from the informal consultations on the text, in fact the views of that delegation had been sought. As to why the six delegations were raising the question now, they were simply seeking, in parallel with the initiative by Ukraine and

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(Mr. Luedig, Estonia)

Belarus, to gain additional information. The Committee would note that the earlier initiative had, in reality, had a political impact in the informal consultations on the draft resolution on the scale of assessments. Regarding the use of the phrase successor State, his delegation was concerned with the practical situation only and was unaware of any difference in that sense between the use of successor State and continuation State. The point was that the letter from the President of the Russian Federation had had an impact on the negotiations on the scale of assessments. Lastly, given the precedent established in the case of the question submitted by Belarus and Ukraine, it was only fair for the question submitted by the six delegations to be put to the Legal Counsel. He invited other delegations requesting clarification of points relating to the scale of assessments to add their own questions.

148. Mr. KOULYK (Ukraine), speaking on behalf of the delegations of Belarus and Ukraine, said that the former Soviet Government had never represented Ukraine and Belarus within the United Nations, since those two States had always had their own representatives.

149. Mr. ZAHID (Morocco) suggested that the question submitted by the six delegations might be reworded to ask whether the recommendation of the Committee on Contributions to redistribute the assessment of the former Soviet Union among the successor Republics was compatible with the undertaking contained in the letter from the President of the Russian Federation of 24 December 1991 in which the Russian Federation undertook full responsibility for the financial obligations of the former Soviet Union. Such wording would avoid political considerations and might help the Committee to reach a consensus decision since it would simply be comparing the view of an expert body with the undertaking made by the Russian Federation.

150. Mr. OSELLA (Argentina) said that if the six delegations consulted with the delegation of the Russian Federation they might well be able to formulate a text that the Committee as a whole could support.

151. Mr. KARBUCKZKY (Hungary) said that the Committee on Contributions had taken a technical and not a legal approach in formulating the recommendations. If enough States wished, those recommendations could be reviewed since they would have legal standing only on adoption in a resolution. Aspects that might be further considered were whether the recommendations were compatible with the letter sent by the President of the Russian Federation, and the whole issue of succession. One troubling aspect was that several States mentioned in the letter were not signatories. Perhaps those States should make their views known. It would then be easier for the Committee to reach a decision on a reformulated text, as suggested by various delegations, for which purpose it would be preferable for the Committee to defer its consideration of the question so that a drafting group could meet.

152. Mr. AUANOV (Kazakhstan) said that his delegation's position was that any Member State had the right to put questions and receive an answer.

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153. Mr. LAWSON (Sierra Leone) said that the wording of the question submitted by the six delegations could be improved, perhaps as suggested by Morocco. His delegation could support the submission of a revised question to the Legal Counsel if there was general agreement in the Committee on that course of action.

154. Mr. BEN HAMIDA (Tunisia) said that every delegation had the right to seek a legal opinion. It seemed that a solution could now be reached if the delegations concerned met in informal consultations to reformulate the text on the basis of the Moroccan proposal.

155. Mr. TEIRLINCK (Belgium) said that the Fifth Committee, as a committee, must take a decision on the matter. In that connection he drew attention to annex II of the rules of procedure of the General Assembly, part 1, paragraph 1 (d), to the effect that, when a Committee considered the legal aspects of a question important, it should refer it for legal advice to the Sixth Committee or propose that the question should be considered jointly by itself and the Sixth Committee.

156. Mr. JADMANI (Pakistan) said that his delegation supported the right of any delegation to seek clarification from the Secretariat. In the case under consideration the wording of the question should be changed so as to facilitate a consensus.

157. The CHAIRMAN said that there was evidently a desire to submit the question to the Legal Counsel provided that an agreed text could be formulated by the delegations concerned.

The meeting rose at 12.30 a.m.

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